

AMENDED IN ASSEMBLY APRIL 26, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2552**

**Introduced by Assembly Member Leno**

February 20, 2004

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An act to amend Sections 4980.02, ~~4980.40~~, 4980.43, 4980.44, and 4987.7 of, to amend the heading of Chapter 13 (commencing with Section 4980) of Division 2 of, and to amend the heading of Article 6 (commencing with Section 4987.5) of Chapter 13 of Division 2 of, the Business and Professions Code, relating to marriage and family therapy.

LEGISLATIVE COUNSEL'S DIGEST

AB 2552, as amended, Leno. Marriage and family therapy.

Under existing law, the Board of Behavioral Sciences is responsible for licensing and regulating the practice of marriage and family therapy. Under existing law, the practice of marriage and family therapy includes the application of certain therapy principles and methods.

This bill would include the use, application, and integration of specified coursework and training among those principles and methods.

~~Existing law requires an applicant for a license to practice marriage and family therapy to pass a board administered written examination or oral examination, and specifies that an applicant who passed a previously administered written examination may be required to take and pass another written examination.~~

~~This bill would instead require an applicant who has not taken and passed an oral examination to take and pass a written clinical vignette examination.~~

Existing law requires an intern who is employed or volunteering in a private practice to be under the direct supervision of a licensee who is employed and practices at the same site as the intern's employer.

This bill would in addition authorize an intern to be supervised by a licensee who is an owner or shareholder of the private practice. The bill would also authorize a supervisor to arrange for alternative supervision during the supervisor's vacation or sick leave, if certain requirements are met.

Existing law requires an unlicensed marriage and family therapist intern who performs professional services to inform each client or patient that he or she is unlicensed and under the supervision of specified licensees, including a licensed physician and surgeon who has completed a residency in psychiatry and meets additional requirements.

This bill would delete this licensee from the list of authorized supervising licenses.

Existing law requires the name of a marriage and family therapy corporation to contain one or more of certain words, including "counseling," "counselor," or "therapist."

This bill would in addition authorize the use of the word "therapy" in a marriage and family therapy corporation's name.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. The heading of Chapter 13 (commencing with  
2 Section 4980) of Division 2 of the Business and Professions Code  
3 is amended to read:

4  
5 CHAPTER 13. MARRIAGE AND FAMILY THERAPISTS

6  
7 SEC. 2. Section 4980.02 of the Business and Professions  
8 Code is amended to read:

9 4980.02. For the purposes of this chapter, the practice of  
10 marriage and family therapy shall mean that service performed  
11 with individuals, couples, or groups wherein interpersonal  
12 relationships are examined for the purpose of achieving more  
13 adequate, satisfying, and productive marriage and family  
14 adjustments. This practice includes relationship and premarriage  
15 counseling.



1 The application of marriage and family therapy principles and  
2 methods includes, but is not limited to, the use of applied  
3 psychotherapeutic techniques, to enable individuals to mature and  
4 grow within marriage and the family, the provision of explanations  
5 and interpretations of the psychosexual and psychosocial aspects  
6 of relationships, and the use, application, and integration of the  
7 coursework and training required by Sections 4980.37, 4980.40,  
8 and 4980.41.

9 ~~SEC. 3. Section 4980.40 of the Business and Professions~~  
10 ~~Code is amended to read:~~

11 ~~4980.40. To qualify for a license, an applicant shall have all~~  
12 ~~the following qualifications:~~

13 ~~(a) Applicants applying for licensure on or after January 1,~~  
14 ~~1988, shall possess a doctor's or master's degree in marriage,~~  
15 ~~family, and child counseling, marital and family therapy,~~  
16 ~~psychology, clinical psychology, counseling psychology, or~~  
17 ~~counseling with an emphasis in either marriage, family, and child~~  
18 ~~counseling or marriage and family therapy, obtained from a~~  
19 ~~school, college, or university accredited by the Western~~  
20 ~~Association of Schools and Colleges, or approved by the Bureau~~  
21 ~~for Private Postsecondary and Vocational Education. The board~~  
22 ~~has the authority to make the final determination as to whether a~~  
23 ~~degree meets all requirements, including, but not limited to, course~~  
24 ~~requirements regardless of accreditation or approval. For purposes~~  
25 ~~of this chapter, the term "approved by the Bureau for Private~~  
26 ~~Postsecondary and Vocational Education" shall mean~~  
27 ~~unconditional approval existing at the time of the applicant's~~  
28 ~~graduation from the school, college, or university. In order to~~  
29 ~~qualify for licensure pursuant to this subdivision, any doctor's or~~  
30 ~~master's degree program shall be a single, integrated program~~  
31 ~~primarily designed to train marriage and family therapists and~~  
32 ~~shall contain no less than 48 semester or 72 quarter units of~~  
33 ~~instruction. The instruction shall include no less than 12 semester~~  
34 ~~units or 18 quarter units of coursework in the areas of marriage,~~  
35 ~~family, and child counseling, and marital and family systems~~  
36 ~~approaches to treatment.~~

37 The coursework shall include all of the following areas:

38 ~~(1) The salient theories of a variety of psychotherapeutic~~  
39 ~~orientations directly related to marriage and family therapy, and~~  
40 ~~marital and family systems approaches to treatment.~~

~~(2) Theories of marriage and family therapy and how they can be utilized in order to intervene therapeutically with couples, families, adults, children, and groups.~~

~~(3) Developmental issues and life events from infancy to old age and their effect upon individuals, couples, and family relationships. This may include coursework that focuses on specific family life events and the psychological, psychotherapeutic, and health implications that arise within couples and families, including, but not limited to, childbirth, child rearing, childhood, adolescence, adulthood, marriage, divorce, blended families, stepparenting, and geropsychology.~~

~~(4) A variety of approaches to the treatment of children.~~

~~The board shall, by regulation, set forth the subjects of instruction required in this subdivision.~~

~~(b) (1) In addition to the 12 semester or 18 quarter units of coursework specified above, the doctor's or master's degree program shall contain not less than six semester or nine quarter units of supervised practicum in applied psychotherapeutic techniques, assessment, diagnosis, prognosis, and treatment of premarital, couple, family, and child relationships, including dysfunctions, healthy functioning, health promotion, and illness prevention, in a supervised clinical placement that provides supervised fieldwork experience within the scope of practice of a marriage and family therapist.~~

~~(2) For applicants who enrolled in a degree program on or after January 1, 1995, the practicum shall include a minimum of 150 hours of face-to-face experience counseling individuals, couples, families, or groups.~~

~~(3) (A) Supervised practicum hours, as specified in this subdivision, shall be evaluated, accepted, and credited as hours for trainee experience by the board.~~

~~(B) The practicum hours shall be considered as part of the 48 semester or 72 quarter unit requirement.~~

~~(c) As an alternative to meeting the qualifications specified in subdivision (a), the board shall accept as equivalent degrees, those master's or doctor's degrees granted by educational institutions whose degree program is approved by the Commission on Accreditation for Marriage and Family Therapy Education.~~

~~(d) All applicants shall, in addition, complete the coursework or training specified in Section 4980.41.~~

1 ~~(e) All applicants shall be at least 18 years of age.~~

2 ~~(f) All applicants shall have at least two years' experience that~~  
3 ~~meets the requirements of this chapter in interpersonal~~  
4 ~~relationships, marriage and family therapy and psychotherapy~~  
5 ~~under the supervision of a licensed marriage and family therapist,~~  
6 ~~licensed clinical social worker, licensed psychologist, or a licensed~~  
7 ~~physician certified in psychiatry by the American Board of~~  
8 ~~Psychiatry and Neurology. Experience shall not be gained under~~  
9 ~~the supervision of an individual who has provided therapeutic~~  
10 ~~services to that applicant. For those supervisory relationships in~~  
11 ~~effect on or before December 31, 1988, and which remain in~~  
12 ~~continuous effect thereafter, experience may be gained under the~~  
13 ~~supervision of a licensed physician who has completed a residency~~  
14 ~~in psychiatry. Any person supervising another person pursuant to~~  
15 ~~this subdivision shall have been licensed or certified for at least~~  
16 ~~two years prior to acting as a supervisor, shall have a current and~~  
17 ~~valid license that is not under suspension or probation, and shall~~  
18 ~~meet the requirements established by regulations.~~

19 ~~(g) The applicant shall pass board administered written or oral~~  
20 ~~examinations or both types of examinations. An applicant who~~  
21 ~~passed a written examination and who has not taken and passed an~~  
22 ~~oral examination shall be required to take and pass a written~~  
23 ~~clinical vignette examination.~~

24 ~~(h) The applicant shall not have committed acts or crimes~~  
25 ~~constituting grounds for denial of licensure under Section 480.~~  
26 ~~The board shall not issue a registration or license to any person~~  
27 ~~who has been convicted of any crime in this or another state or in~~  
28 ~~a territory of the United States that involves sexual abuse of~~  
29 ~~children or who is required to register pursuant to Section 290 of~~  
30 ~~the Penal Code or the equivalent in another state or territory.~~

31 ~~(i) (1) An applicant applying for intern registration who, prior~~  
32 ~~to December 31, 1987, met the qualifications for registration, but~~  
33 ~~who failed to apply or qualify for intern registration may be~~  
34 ~~granted an intern registration if the applicant meets all of the~~  
35 ~~following criteria:~~

36 ~~(A) The applicant possesses a doctor's or master's degree in~~  
37 ~~marriage, family, and child counseling, marital and family~~  
38 ~~therapy, psychology, clinical psychology, counseling psychology,~~  
39 ~~counseling with an emphasis in marriage, family, and child~~  
40 ~~counseling, or social work with an emphasis in clinical social work~~

1 obtained from a school, college, or university currently conferring  
2 that degree that, at the time the degree was conferred, was  
3 accredited by the Western Association of Schools and Colleges,  
4 and where the degree conferred was, at the time it was conferred,  
5 specifically intended to satisfy the educational requirements for  
6 licensure by the Board of Behavioral Sciences.

7 (B) The applicant's degree and the course content of the  
8 instruction underlying that degree have been evaluated by the chief  
9 academic officer of a school, college, or university accredited by  
10 the Western Association of Schools and Colleges to determine the  
11 extent to which the applicant's degree program satisfies the current  
12 educational requirements for licensure, and the chief academic  
13 officer certifies to the board the amount and type of instruction  
14 needed to meet the current requirements.

15 (C) The applicant completes a plan of instruction that has been  
16 approved by the board at a school, college, or university accredited  
17 by the Western Association of Schools and Colleges that the chief  
18 academic officer of the educational institution has, pursuant to  
19 subparagraph (B), certified will meet the current educational  
20 requirements when considered in conjunction with the original  
21 degree.

22 (2) A person applying under this subdivision shall be  
23 considered a trainee, as that term is defined in Section 4980.03,  
24 once he or she is enrolled to complete the additional coursework  
25 necessary to meet the current educational requirements for  
26 licensure.

27 (j) An applicant for licensure trained in an educational  
28 institution outside the United States shall demonstrate to the  
29 satisfaction of the board that he or she possesses a qualifying  
30 degree that is equivalent to a degree earned from a school, college,  
31 or university accredited by the Western Association of Schools and  
32 Colleges, or approved by the Bureau of Private Postsecondary and  
33 Vocational Education. These applicants shall provide the board  
34 with a comprehensive evaluation of the degree performed by a  
35 foreign credential evaluation service that is a member of the  
36 National Association of Credential Evaluation Services  
37 (NACES), and shall provide any other documentation the board  
38 deems necessary.

39 SEC. 4.

1 SEC. 3. Section 4980.43 of the Business and Professions  
2 Code is amended to read:

3 4980.43. (a) For all applicants, a minimum of two calendar  
4 years of supervised experience is required, which experience shall  
5 consist of 3,000 hours obtained over a period of not less than 104  
6 weeks. Not less than 1,500 hours of experience shall be gained  
7 subsequent to the granting of the qualifying master's or doctor's  
8 degree. For those applicants who enroll in a qualifying degree  
9 program on or after January 1, 1995, not more than 750 hours of  
10 counseling and direct supervisor contact may be obtained prior to  
11 the granting of the qualifying master's or doctor's degree.  
12 However, this limitation shall not be interpreted to include  
13 professional enrichment activities. Except for personal  
14 psychotherapy hours gained after enrollment and commencement  
15 of classes in a qualifying degree program, no hours of experience  
16 may be gained prior to becoming a trainee. All experience shall be  
17 gained within the six years immediately preceding the date the  
18 application for licensure was filed, except that up to 500 hours of  
19 clinical experience gained in the supervised practicum required by  
20 subdivision (b) of Section 4980.40 shall be exempt from this  
21 six-year requirement.

22 (b) All applicants, trainees, and registrants shall be at all times  
23 under the supervision of a supervisor who shall be responsible for  
24 ensuring that the extent, kind, and quality of counseling performed  
25 is consistent with the training and experience of the person being  
26 supervised, and who shall be responsible to the board for  
27 compliance with all laws, rules, and regulations governing the  
28 practice of marriage and family therapy. Experience shall be  
29 gained by interns and trainees either as an employee or as a  
30 volunteer in any allowable work setting specified in this chapter.  
31 The requirements of this chapter regarding gaining hours of  
32 experience and supervision are applicable equally to employees  
33 and volunteers. Experience shall not be gained by interns or  
34 trainees as an independent contractor.

35 (c) Supervision shall include at least one hour of direct  
36 supervisor contact for each week of experience claimed. A trainee  
37 shall receive an average of at least one hour of direct supervisor  
38 contact for every five hours of client contact in each setting. A  
39 person gaining postdegree experience shall receive an average of  
40 at least one hour of direct supervisor contact for every 10 hours of



client contact in each setting in which experience is gained. For purposes of this section, “one hour of direct supervisor contact” means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons. The contact may be counted toward the experience requirement for licensure, up to the maximum permitted by subdivision (d). All experience gained by a trainee shall be monitored by the supervisor as specified by regulation. The 5 to 1 and 10 to 1 ratios specified in this subdivision shall be applicable to all hours gained on or after January 1, 1995.

(d) (1) The experience required by Section 4980.40 shall include supervised marriage and family therapy, and up to one-third of the hours may include direct supervisor contact and other professional enrichment activities.

(2) “Professional enrichment activities,” for the purposes of this section, may include group, marital or conjoint, family, or individual psychotherapy received by an applicant. This psychotherapy may include up to 100 hours taken subsequent to enrolling and commencing classes in a qualifying degree program, or as an intern, and each of those hours shall be triple counted toward the professional experience requirement. This psychotherapy shall be performed by a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, licensed physician *and surgeon* certified in psychiatry by the American Board of Psychiatry and Neurology, or a licensed physician *and surgeon* who has completed a residency in psychiatry.

(e) (1) A trainee may gain the experience required by subdivision (f) of Section 4980.40 in any setting that meets all of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the trainee’s work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.



1 (2) Experience may be gained by the trainee solely as part of the  
2 position for which the trainee volunteers or is employed.

3 (f) (1) An intern may gain the experience required by  
4 subdivision (f) of Section 4980.40 in any setting that meets both  
5 of the following:

6 (A) Lawfully and regularly provides mental health counseling  
7 or psychotherapy.

8 (B) Provides oversight to ensure that the intern's work at the  
9 setting meets the experience and supervision requirements set  
10 forth in this chapter and is within the scope of practice for the  
11 profession as defined in Section 4980.02.

12 (2) An applicant shall not be employed or volunteer in a private  
13 practice, as defined in subparagraph (C) of paragraph (1) of  
14 subdivision (e), until registered as an intern.

15 (3) While an intern may be either a paid employee or a  
16 volunteer, employers are encouraged to provide fair remuneration  
17 to interns.

18 (4) Except for periods of time during a supervisor's vacation or  
19 sick leave, an intern who is employed or volunteering in private  
20 practice shall be under the direct supervision of a licensee  
21 enumerated in subdivision (f) of Section 4980.40. The supervising  
22 licensee shall either be employed by and practice at the same site  
23 as the intern's employer, or shall be an owner or shareholder of the  
24 private practice. Alternative supervision may be arranged during  
25 a supervisor's vacation or sick leave if the supervision meets the  
26 requirements of this section.

27 (5) Experience may be gained by the intern solely as part of the  
28 position for which the intern volunteers or is employed.

29 (g) All persons shall register with the board as an intern in order  
30 to be credited for postdegree hours of experience gained toward  
31 licensure, regardless of the setting where those hours are to be  
32 gained. Except as provided in subdivision (h), all postdegree hours  
33 shall be gained as a registered intern.

34 (h) Except when employed in a private practice setting, all  
35 postdegree hours of experience shall be credited toward licensure  
36 so long as the applicant applies for the intern registration within 90  
37 days of the granting of the qualifying master's or doctor's degree  
38 and is thereafter granted the intern registration by the board.

1 (i) Trainees, interns, and applicants shall not receive any  
2 remuneration from patients or clients, and shall only be paid by  
3 their employers.

4 (j) Trainees, interns, and applicants shall only perform services  
5 at the place where their employers regularly conduct business,  
6 which may include performing services at other locations, so long  
7 as the services are performed under the direction and control of  
8 their employer and supervisor, and in compliance with the laws  
9 and regulations pertaining to supervision. Trainees and interns  
10 shall have no proprietary interest in the employer's business.

11 (k) Trainees, interns, or applicants who provide volunteered  
12 services or other services, and who receive no more than a total,  
13 from all work settings, of five hundred dollars (\$500) per month  
14 as reimbursement for expenses actually incurred by those trainees,  
15 interns, or applicants for services rendered in any lawful work  
16 setting other than a private practice shall be considered an  
17 employee and not an independent contractor. The board may audit  
18 applicants who receive reimbursement for expenses, and the  
19 applicants shall have the burden of demonstrating that the  
20 payments received were for reimbursement of expenses actually  
21 incurred.

22 (l) Each educational institution preparing applicants for  
23 licensure pursuant to this chapter shall consider requiring, and  
24 shall encourage, its students to undergo individual, marital or  
25 conjoint, family, or group counseling or psychotherapy, as  
26 appropriate. Each supervisor shall consider, advise, and encourage  
27 his or her interns and trainees regarding the advisability of  
28 undertaking individual, marital or conjoint, family, or group  
29 counseling or psychotherapy, as appropriate. Insofar as it is  
30 deemed appropriate and is desired by the applicant, the  
31 educational institution and supervisors are encouraged to assist the  
32 applicant in locating that counseling or psychotherapy at a  
33 reasonable cost.

34 ~~SEC. 5.~~

35 *SEC. 4.* Section 4980.44 of the Business and Professions  
36 Code is amended to read:

37 4980.44. (a) An unlicensed marriage and family therapist  
38 intern employed under this chapter shall:

39 (1) Have earned at least a master's degree as specified in  
40 Section 4980.40.

(2) Be registered with the board prior to the intern performing any duties, except as otherwise provided in subdivision (e) of Section 4980.43.

(3) File for renewal of registration annually for a maximum of five years after initial registration with the board. Renewal of registration shall include filing an application for renewal, paying a renewal fee of seventy-five dollars (\$75), and notifying the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the issuance of the initial registration or the registrant's last renewal.

(4) Inform each client or patient prior to performing any professional services that he or she is unlicensed and under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

(5) Continued employment as an unlicensed marriage and family therapist intern shall cease after six years unless the requirements of subdivision (b) are met. No registration shall be renewed or reinstated beyond the six years from initial issuance regardless of whether it has been revoked.

(b) When no further renewals are possible, an applicant may apply for and obtain new intern registration status if the applicant meets the educational requirements for registration in effect at the time of the application for a new intern registration. An applicant who is issued a subsequent intern registration pursuant to this subdivision may be employed or volunteer in any allowable work setting except private practice.

~~SEC. 6.~~

SEC. 5. The heading of Article 6 (commencing with Section 4987.5) of Chapter 13 of Division 2 of the Business and Professions Code is amended to read:

Article 6. Marriage and Family Therapy Corporations

~~SEC. 7.~~

SEC. 6. Section 4987.7 of the Business and Professions Code is amended to read:

1 4987.7. The name of a marriage and family therapy  
2 corporation shall contain one or more of the words “marriage,”  
3 “family,” or “child” together with one or more of the words  
4 “counseling,” “counselor,” “therapy,” or “therapist,” and  
5 wording or abbreviations denoting corporate existence. A  
6 marriage and family therapy corporation that conducts business  
7 under a fictitious business name shall not use any name that is  
8 false, misleading or deceptive, and shall inform the patient, prior  
9 to the commencement of treatment, that the business is conducted  
10 by a marriage and family therapy corporation.

